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SENATE BILL 6589

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Spanel, Kohl-Welles, Brandland, and Delvin

Read first time 01/18/08. Referred to Committee on Labor, Commerce, Research & Development.

1            AN ACT Relating to master collective bargaining agreements; and  
2 amending RCW 41.80.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 41.80.010 and 2002 c 354 s 302 are each amended to  
5 read as follows:

6            (1) For the purpose of negotiating collective bargaining agreements  
7 under this chapter, the employer shall be represented by the governor  
8 or governor's designee, except as provided for institutions of higher  
9 education in subsection (4) of this section.

10           (2)(a) If an exclusive bargaining representative represents more  
11 than one bargaining unit, the exclusive bargaining representative shall  
12 negotiate with each employer representative as designated in subsection  
13 (1) of this section one master collective bargaining agreement on  
14 behalf of all the employees in bargaining units that the exclusive  
15 bargaining representative represents. For those exclusive bargaining  
16 representatives who represent fewer than a total of ((five)) two  
17 hundred fifty employees each, negotiation shall be by a coalition of  
18 all those exclusive bargaining representatives. The coalition shall  
19 bargain for a master collective bargaining agreement covering all of

1 the employees represented by the coalition. An individual exclusive  
2 bargaining representative may not be compelled to grant concessions in  
3 its bargaining position by other members of the coalition. The  
4 governor's designee and the exclusive bargaining representative or  
5 representatives are authorized to enter into supplemental bargaining of  
6 agency-specific issues for inclusion in or as an addendum to the master  
7 collective bargaining agreement, subject to the parties' agreement  
8 regarding the issues and procedures for supplemental bargaining. This  
9 section does not prohibit cooperation and coordination of bargaining  
10 between two or more exclusive bargaining representatives.

11 (b) This subsection (2) does not apply to exclusive bargaining  
12 representatives who represent employees of institutions of higher  
13 education, except when the institution of higher education has elected  
14 to exercise its option under subsection (4) of this section to have its  
15 negotiations conducted by the governor or governor's designee under the  
16 procedures provided for general government agencies in subsections (1)  
17 through (3) of this section.

18 (c) If five hundred or more employees of an independent state  
19 elected official listed in RCW 43.01.010 are organized in a bargaining  
20 unit or bargaining units under RCW 41.80.070, the official shall be  
21 consulted by the governor or the governor's designee before any  
22 agreement is reached under (a) of this subsection concerning  
23 supplemental bargaining of agency specific issues affecting the  
24 employees in such bargaining unit.

25 (3)(a) The governor shall submit a request for funds necessary to  
26 implement the compensation and fringe benefit provisions in the master  
27 collective bargaining agreement or for legislation necessary to  
28 implement the agreement. Requests for funds necessary to implement the  
29 provisions of bargaining agreements shall not be submitted to the  
30 legislature by the governor unless such requests:

31 ((+a)) (i) Have been submitted to the director of the office of  
32 financial management by October 1st prior to the legislative session at  
33 which the requests are to be considered; and

34 ((+b)) (ii) Have been certified by the director of the office of  
35 financial management as being feasible financially for the state.

36 (b) If the parties in a master collective bargaining agreement  
37 negotiation have not reached an agreement by October 1st, and the  
38 parties have engaged in the mediation and fact-finding services under

1 RCW 41.80.090, the governor shall submit a request for funds equivalent  
2 to the employer's last offer made before October 1st. If the eventual  
3 bargaining agreement exceeds the request for funds, the governor shall  
4 submit a request for the remaining balance to the legislature with the  
5 governor's supplemental budget request for the subsequent legislative  
6 session.

7 The legislature shall approve or reject the submission of the  
8 request for funds as a whole. The legislature shall not consider a  
9 request for funds to implement a collective bargaining agreement unless  
10 the request is transmitted to the legislature as part of the governor's  
11 budget document submitted under RCW 43.88.030 and 43.88.060. If the  
12 legislature rejects or fails to act on the submission, either party may  
13 reopen all or part of the agreement or the exclusive bargaining  
14 representative may seek to implement the procedures provided for in RCW  
15 41.80.090.

16 If a bargaining unit's exclusive bargaining representative is  
17 certified during or after the conclusion of a legislative session, the  
18 legislature may act upon the compensation and fringe benefit provisions  
19 of the bargaining unit's master collective bargaining agreement if  
20 those provisions are agreed upon and submitted to the office of  
21 financial management and legislative budget committees before final  
22 legislative action is taken on the biennial budget or supplemental  
23 budget, as the case may be.

24 (4) For the purpose of negotiating agreements for institutions of  
25 higher education, the employer shall be the respective governing board  
26 of each of the universities, colleges, or community and technical  
27 colleges or a designee chosen by the board to negotiate on its behalf.  
28 A governing board may elect to have its negotiations conducted by the  
29 governor or governor's designee under the procedures provided for  
30 general government agencies in subsections (1), (2), and (3) of this  
31 section. Prior to entering into negotiations under this chapter, the  
32 institutions of higher education or their designees shall consult with  
33 the director of the office of financial management regarding financial  
34 and budgetary issues that are likely to arise in the impending  
35 negotiations. If appropriations are necessary to implement the  
36 compensation and fringe benefit provisions of the bargaining agreements  
37 reached between institutions of higher education and exclusive  
38 bargaining representatives agreed to under the provisions of this

1 chapter, the governor shall submit a request for such funds to the  
2 legislature according to the provisions of subsection (3) of this  
3 section.

4 (5) There is hereby created a joint committee on employment  
5 relations, which consists of two members with leadership positions in  
6 the house of representatives, representing each of the two largest  
7 caucuses; the chair and ranking minority member of the house  
8 appropriations committee, or its successor, representing each of the  
9 two largest caucuses; two members with leadership positions in the  
10 senate, representing each of the two largest caucuses; and the chair  
11 and ranking minority member of the senate ways and means committee, or  
12 its successor, representing each of the two largest caucuses. The  
13 governor shall periodically consult with the committee regarding  
14 appropriations necessary to implement the compensation and fringe  
15 benefit provisions in the master collective bargaining agreements, and  
16 upon completion of negotiations, advise the committee on the elements  
17 of the agreements and on any legislation necessary to implement the  
18 agreements.

19 (6) If, after the compensation and fringe benefit provisions of an  
20 agreement are approved by the legislature, a significant revenue  
21 shortfall occurs resulting in reduced appropriations, as declared by  
22 proclamation of the governor or by resolution of the legislature, both  
23 parties shall immediately enter into collective bargaining for a  
24 mutually agreed upon modification of the agreement.

25 (7) After the expiration date of a collective bargaining agreement  
26 negotiated under this chapter, all of the terms and conditions  
27 specified in the collective bargaining agreement remain in effect until  
28 the effective date of a subsequently negotiated agreement, not to  
29 exceed one year from the expiration date stated in the agreement.  
30 Thereafter, the employer may unilaterally implement according to law.

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